

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-3234

United States of America,

Appellee,

v.

Ronald D. Lang,

Appellant.

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Appeal from the United States
District Court for the Western
District of Missouri
[UNPUBLISHED]

Submitted: March 4, 2003

Filed: April 7, 2003

Before McMILLIAN, MURPHY, and RILEY, Circuit Judges.

PER CURIAM.

Ronald D. Lang appeals from the final judgment entered in the District Court¹ for the Western District of Missouri after he pleaded guilty to conspiring to manufacture and distribute methamphetamine, in violation of 21 U.S.C. §§ 841 and 846. The district court sentenced Lang to 168 months imprisonment and 3 years supervised release. Counsel has moved to withdraw on appeal pursuant to Anders v. California, 386 U.S. 738 (1967), and has filed a brief raising a claim of ineffective assistance of counsel at sentencing. Lang has moved for appointment of substitute

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

counsel, contending counsel was ineffective for failing to present evidence and witnesses that Lang had requested. For the reasons discussed below, we affirm the judgment of the district court.

Because the record is undeveloped as to the alleged ineffective assistance of counsel, we decline to address the issue in this direct criminal appeal. See United States v. Woods, 270 F.3d 728, 730 (8th Cir. 2001) (except where miscarriage of justice would obviously result or outcome would be inconsistent with substantial justice, ineffective assistance issues are more appropriately raised in collateral proceedings), cert. denied, 535 U.S. 948 (2002). Moreover, we have reviewed the record independently for any nonfrivolous issues, see Penson v. Ohio, 488 U.S. 75 (1988), and we have found none.

Accordingly, we grant counsel's motion to withdraw; we deny Lang's motion for substitute counsel; and we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.